

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904), An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the text of the House bill after the enacting clause and inserted a substitute text and a new title.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The House also recedes from its disagreement to the amendment of the Senate to the title of the bill. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE: TABLE OF CONTENTS

(1) Short Title

The House bill cites that this Act may be cited as “Healthy Forests Restoration Act of 2003” and lists the table of contents. (Section 1)

The Senate amendment has an identical short title and differences in the table of contents that reflect the Senate amendment. (Section 1)

The Conference substitute adopted the House provision with an amendment to conform the table of contents to the conference agreement. (Section 1)

(2) Purpose

The House bill lists the purposes of this Act, including: to reduce the risks of damage to communities, municipal water supplies and federal lands from catastrophic wildfire; to authorize grant programs to improve the commercial value of forest biomass; to enhance efforts to protect watersheds and address threats to forest and rangeland health; to promote systematic information gathering to address the impacts of insect infestation on forest and rangeland health; to improve the capacity to detect insect and disease infestations at an early stage; and to benefit threatened and endangered species, improve biological diversity and enhance carbon sequestration. (Section 2)

The Senate amendment contains similar purposes with only technical and clarifying changes. (Section 2)

The Conference substitute adopts the Senate provision with an amendment that reflects changes made necessary by deletions from the bill. (Section 2)

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

(1) Definitions

The House bill defines terms necessary for implementation of the bill, including: interface community and intermix community; authorized hazardous fuel reduction project; condition class 2; condition class 3; day; decision document; Federal land; implementation plan; municipal water supply system; Secretary concerned; threatened and endangered species habitat. (Section 101)

The Senate amendment defines the same terms as the House bill with only technical differences, and defines additional terms, including: at-risk community; community wildfire protection plan; fire regime i, ii, and iii; Indian tribe; resource management plan; and Wildland-urban interface. (Sections 3, 101)

The Conference substitute [adopts the Senate provisions, with an amendment to modify the definition of wildland-urban interface. (Sections 3, 101)]

(2) Authorized Hazardous Fuel Reduction Projects

The House bill allows for authorized hazardous fuels reduction projects on federal lands that (1) are located in an interface or intermix community; (2) are located in proximity to such communities; (3) are condition class 3 or 2 and located in proximity to a municipal water supply (or a perennial stream, including rivers and other permanent natural flowing water sources feeding a municipal water supply); (4) are condition class 3 or 2 and have been identified as an area where windthrow, blowdown, the existence or threat of disease or insect infestation poses a threat to forest or rangeland health, or (5) contain threatened and endangered species, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Senate amendment allows for authorized hazardous fuel reduction projects on federal lands that: (1) are in wildland-urban interface areas, (2) are condition class 3 and located in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, (3) are condition class 2 within fire regime I, fire regime II or fire regime III and otherwise the same as paragraph (2), (4) are identified as an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to an ecosystem component, or forest or rangeland resource on federal land or adjacent non-federal land, or (5) contain threatened and endangered species habitat, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Conference substitute adopts the Senate provision with amendments modifying the definition of wildland-urban interface and that clarify the provision relating to insect and disease infestation. (Section 102(a))

(3) Agency Plans; Acreage Limitation; Exclusion of Certain Federal Land

The House bill requires projects to be planned and conducted in a manner consistent with land and resource management plans or an applicable land use plan; limits the acreage available for

authorized hazardous fuels reduction projects to 20,000,000 acres; and prohibits authorized hazardous fuels reduction projects on the following federal lands: a component of the National Wilderness Preservation System, federal lands where the removal of vegetation is prohibited or restricted by a Congress or a presidential proclamation, or wilderness study areas. (Section 102(b), (c), and (d))

The Senate amendment contains similar provisions with only technical differences. (Section 102(b), (c), and (d)).

The Conference substitute adopts the Senate provisions. (Section 102(b), (c), and (d))

(4) Old Growth Stands and Large Tree Retention

The Senate amendment: (Section 102(e), (f))

- provides direction for projects that may occur within old growth stands;
- defines a covered project as all authorized hazardous fuel reduction projects except those in an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to an ecosystem component (section 102(a)(4));
- identifies standards for old growth as the definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan, based on the structure and composition characteristic of the forest type, and in accordance with applicable law;
- requires the Secretary to fully maintain, or contribute toward the restoration of the structure and composition of structurally complex old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, while considering the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure;
- provides that old growth standards that are 10 years old or less from the date of enactment of this Act shall be used by the Secretary in carrying out a covered project;
- requires that any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with the requirement described above;
- provides that old growth standards established before the 10-year period may be used for a 2-year period beginning on the date of enactment of this Act, or if in the process of revising a resource management plan, may be used for a 3-year period;
- provides that older standards shall be reviewed and revised, if necessary, to reflect relevant information not considered in formulating the resource management plan. If such review is not completed within the appropriate time period, no covered project shall occur in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping; and
- requires that covered projects outside of old growth stands focus largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects; and, maximizes the

retention of large trees, as appropriate for the forest type, to the extent that the large trees promote fire-resistant stands.

The House bill has no comparable provisions.

The Conference substitute adopts the Senate provisions with an amendment that makes technical and clarifying changes to the old growth provisions; and adds a clause to the large tree retention provision to clarify that such provision is not intended to prevent achieving the purpose in section 2(1). (Section 102(e), (f))

The Managers note that nothing in subsection 102(e) requires resource management plans to be amended.

(5) Prioritization for Communities

The House bill directs the Secretary to give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds as provided for in the implementation plan. (Section 103)

The Senate amendment: (Section 103)

- Directs the Secretary to develop an annual program of work that gives priority to authorized hazardous fuel reduction projects that provide for protection of at-risk communities or watersheds or that implement community wildfire protection plans;
- Makes the Federal Advisory Committee Act and National Environmental Policy Act inapplicable to Federal involvement in the community wildfire protection plan planning and development process;
- Directs that not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects shall be used in the wildland-urban interface. Such allocation shall apply at the national level. However, funds may be allocated differently within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects in areas with insects, disease, windthrow, blowdown or ice storm damage.
- In providing financial assistance for authorized hazardous fuel reduction projects on non-federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

The Conference substitute adopts the Senate provision with an amendments directing the Secretary to: 1) use existing administrative authority to define wildland-urban interface for purposes of authorized hazardous fuel reduction projects for which a decision notice is issued within one year of date of enactment of this Act, and 2) give priority in allocating funding to communities that have adopted wildfire protection plans. (Section 103)

(6) Environmental Analysis

The House bill:

- Requires the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project; (104(a))
- Gives the Secretary discretionary authority to limit the analysis ordinarily required under the National Environmental Policy Act ('NEPA') to the proposed agency action, meaning the

agencies would not be required to analyze and describe a number of different alternatives to the preferred course; (104(b))

- Requires the Secretary to provide notice of authorized hazardous fuel reduction projects and conduct a public meeting during the planning stage (104(c))
- Requires the Secretary to collaborate among governments and interested persons during the formulation of each authorized fuels reduction project; (104(d))
- Requires the Secretary to allow public input in accordance with NEPA during the preparation of an EA or EIS or an authorized hazardous fuel reduction project; (104(e))
- Requires the Secretary to sign a decision document for each authorized hazardous fuels reduction project and provide notice of that document; (104(f)) and
- Requires the Secretary concerned to monitor the implementation of authorized hazardous fuels reduction projects. (104(g))

With respect to House bill sections 104 (a), (c), (d), (e), and (f), the Senate amendment contains essentially identical provisions, except for technical differences.

With respect to House bill section 104(b), the Senate amendment directs the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project which describes the proposed action, a no action alternative, and an additional action alternative, if the additional alternative is proposed during scoping or the collaborative process and meets the purpose and need of the project. If more than 1 additional alternative is proposed, the Secretary shall select which additional alternative to consider and provide a written record describing the reasons for the selection. (Section 104(b))

With respect to House bill section 104(g), the Senate amendment:

- Directs each Forest Service region and BLM State Office to monitor the results of authorized hazardous fuels reduction projects, and submit a report every 5 years that includes an evaluation of the progress towards project goals and recommendations for modifications to the projects and management treatments. It requires monitoring and assessment from a representative sample of authorized hazardous fuel reduction projects for each management unit as to the effects on changes in condition class, fire regime, watershed or landscape goals or objectives in the resource management plan, and requires the Secretary to track acres burned the degree of severity; and develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved; and (Section 102(g))
- Instructs the Secretary to establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of the Senate amendment, and include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process. (Section 1108)

With respect to Section 104(b) of the House bill and the Senate amendment, the Conference substitute adopts the Senate provision with an amendment that provides for special expedited environmental analysis processes for hazardous fuels reduction projects within the wildland-urban interface and within 1 ½ miles of at risk communities (Section 104(d)).

For projects described in section 104(d)(1) of the Conference substitute, the Managers expect the Secretary to concisely analyze the likely environmental outcomes if the proposed treatment is not implemented.

The Managers note that, under subsection 104(c)(2), if more than one additional alternative is proposed during scoping that meets the purpose and need, the Secretary has the discretion to select which additional alternative to consider, and must provide a written record describing the reasons for the selection. The Managers note that the written record could be part of, or separate from, the environmental assessment or environmental impact statement.

The Managers expect, in carrying out authorized fuel reduction projects under the expedited processes provided by the Act, the Secretary not to neglect obligations under the provisions of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

With respect to Section 104(g) of the House bill, the Conference substitute: 1) strikes the Senate amendment provision (Section 1108) regarding collaborative monitoring; and 2) adopts the Senate amendment provision (Section 102(g)) regarding monitoring with an amendment that allows the Secretary to utilize multiparty monitoring with diverse stakeholders in areas where interest in multiparty monitoring exists. (Section 102(g))

(7) Administrative Review

The House bill:

- Directs the Secretary of Agriculture to establish an administrative review process for the Forest Service within 90 days after the enactment of this Act that will serve as the sole means by which a person can seek administrative redress regarding an authorized hazardous fuels reduction project; (Section 105(a))
- Limits the administrative process to be developed to persons who have submitted specific and substantive written comments during the preparation stage of the project; and (Section 105(b))
- Clarifies that the Appeals Reform Act relating to USFS administrative appeals does not apply to an authorized hazardous fuels reduction project. (Section 105(c))

The Senate amendment:

- Directs the Secretary of Agriculture to establish, within 30 days after the date of the enactment of this Act, interim final regulations to establish a pre-decisional administrative review process that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on National Forest System land; (Section 105(a))
- Requires the Secretary to establish final regulations after a time period for public comment; (Section 105(b))
- Provides that a person may only bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court if the issue was raised during the administrative process and the person has exhausted the administrative review process established by the Secretary, with exceptions for futility or inadequacy claims; and (Section 105(c))

- Clarifies that, with respect to projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations (including related legal actions). (Section 107(b))

The Conference substitute adopts the Senate provisions with an amendment that incorporates the substantive content of House bill section 105(b) and adds clarifying changes to section 105(c) of the Senate amendment. (Section 105)

The Managers do not expect the provisions in section 105(c)(3)(B) of the Conference substitute to be applicable to information which has not been brought to the attention of the Secretary.

(8) Judicial Review

The House bill:

- Establishes a time limit for filing a challenge to an authorized hazardous fuels reduction project to 15 days within notice of the final agency action; (Section 106(a))
- Limits the duration of any preliminary injunction granted on an authorized project to 45 days subject to renewal, and requires Secretarial notification to Congress upon an injunction renewal; (106(b))
- Encourages a court in which an action or an appeal is filed to render a final determination within 100 days of when the complaint or appeal is filed; (106(c))
- With respect to all agency actions on Federal lands, directs a court, in considering a request for injunctive relief, to balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action, and to give deference to any agency finding that the balance of harm and the public interest in avoiding the short-term effects of the agency action is outweighed by the public interest in avoiding long-term harm to the ecosystem. (Section 107)

The Senate amendment:

- Requires lawsuits challenging an authorized hazardous fuel reduction project to be filed only in the United States district court for the district in which the federal land to be treated is located; (Section 106(a))
- Encourages the court to expedite the proceedings with the goal of rendering a final determination as soon as practicable; (Section 106(b))
- Limits the length of any preliminary injunctive relief and stays pending appeal not to exceed 60 days, subject to renewal with a requirement that parties to the action shall present updated information on the status of the project; (Section 106(c)(1), (2))
- Directs the court reviewing the project, as part of its weighing the equities while considering any request for an injunction, to balance the impact to the ecosystem likely affected by the project of the short- and long-term effects of undertaking the agency action against the short- and long-term effects of not undertaking the agency action. (Section 106(c)(3))

The Conference substitute adopts the Senate provision. (Section 106)

(9) Effect of Title; Rules of Construction

The House bill clarifies that nothing in this title:

- shall be construed to affect or limit the use of other authorities by the Secretary concerned to plan or conduct a hazardous fuels reduction project on federal lands; and (Section 108(a))
- shall be construed to prejudice the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule. (Section 108(b))

The Senate amendment provides that nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104. (Section 107(a))

The Conference substitute adopts the Senate provision. (Section 107)

(10) Authorization of Appropriations

The Senate amendment authorizes \$760 million annually for activities under this title and other hazardous fuel reduction activities of the Secretary. (Section 108)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision (Section 108)

TITLE II – BIOMASS

(1) Findings; Definitions

The House bill contains Congressional findings that that show high risk of wildfires across many acres due to the accumulation of heavy fuel loads from insect infestations and disease, and defines the terms: Biomass, Person, Preferred Community, and Secretary Concerned. (Sections 201, 202)

The Senate amendment has comparable provisions with minor differences. (Sections 201, 202)

(2) Grants to Improve the Commercial Value of Forest Biomass; Reporting requirement

The House bill establishes biomass commercial use and value-added grant programs to benefit anyone who owns or operates a facility to produce energy from biomass, as well as a monitoring program for participants, while complying with existing endangered species protections; authorizes appropriations of \$25,000,000 for fiscal years 2004 to 2008; and requires that the Secretary concerned submit a report of the grant programs no later than October 1, 2010. (Sections 203, 204)

The Senate amendment has a comparable amendment with minor differences. (Sections 203, 204)

With respect to sections 201 and 202 of the House bill and sections 203 and 204 of the Senate amendment, the Conference substitute adopts an amendment that authorizes the Secretary to provide biomass purchase grants to owners and operators of biomass facilities that use such materials for production of wood-based products or other commercial purposes. (Section 203)

(3) Improved Biomass Use Research Program

The Senate amendment amends the Biomass Research and Development Act of 2000 by adding a silviculture component to the program. (Section 205)

The House has no provision on this subject.

The Conference substitute adopts the Senate provision. (Section 201)

(4) Rural Revitalization Through Forestry

The Senate amendment establishes a program to facilitate small business use of biomass and authorizes appropriations of \$5,000,000 for fiscal years 2004 to 2008 to carry out the program. The program is established by amending the Food, Agriculture, Conservation, and Trade Act of 1990. (Section 206)

The House bill has no provision on this subject

The Conference substitute adopts the Senate provision. (Section 202)

TITLE III – WATERSHED FORESTRY ASSISTANCE

(1) Findings and Purpose

The House bill contains Congressional findings that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds. The purpose of this title is to improve watershed health by forest management practices, such as maintaining tree cover, buffer strips. (Section 301)

The Senate contains a comparable provision with minor changes. (Section 301)

(2) Watershed Forestry Assistance Program

The House bill establishes a program to assist State foresters in expanding stewardship capacities to address watershed issues on non-Federal lands through technical assistance and a cost-share program by amending the Cooperative Forestry Assistance Act. An authorization for appropriations of \$15,000,000 for each of the fiscal years 2004 through 2008 is also included. (Section 302)

The Senate contains a comparable provision with minor changes and also defines the term Nonindustrial Private Forest Land. (Section 302)

The Conference substitute adopts the Senate provision. (Section 302)

(3) Tribal Watershed Forestry Assistance

The Senate amendment directs the Secretary of Agriculture to provide assistance to Indian tribes for expanding forestry projects and to address watershed issues on tribal lands and provides the same basic authorities for Indian tribes as are provided in Section 302. (Section 303)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 303)

TITLE IV – INSECT INFESTATIONS

(1) Definitions, Findings, and Purpose

The House bill defines the terms Applied Silvicultural Assessment, Federal Lands, Secretary Concerned, 1890 Institutions. The bill also contains Congressional findings that insect infestations have many adverse effects on forest health, and states that the purpose of this title is to require the Secretary concerned to develop an assessment program to combat insect infestations, to enlist the assistance of educational institutions, and to carry out applied silvicultural assessments. (Section 401)

The Senate bill contains comparable provisions and also defines the term Forest Damaging Insect. (Sections 401, 402)

The Conference substitute adopts the Senate provision. (Sections 401, 402)

(2) Accelerated Information Gathering Regarding Forest Damaging Insects

The House bill establishes a program for information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, to assist land managers in the development of treatments to improve forest health, and disseminate results in cooperation with scientists from university and forestry schools. (Section 402)

The Senate amendment contains a comparable provision with minor changes and expands program to include all forest-damaging insects and associated diseases. (Section 403)

The Conference substitute adopts the Senate provision. (Section 403)

(3) Applied Silvicultural Assessments

The House bill enables the Secretary concerned to conduct applied silvicultural assessments on federal lands that the Secretary determines in its sole discretion are at risk for infestation with certain named pests. It limits such assessment areas to 1,000 acres per assessment; applies an overall acreage limitation to 250,000 acres; requires the Secretary to provide notice of each applied silvicultural assessment proposed to be carried out; requires the Secretary to provide an opportunity for public input; creates a categorical exclusion from further analysis under NEPA which the environment. (Section 403)

The Senate amendment contains a comparable provision with minor technical differences, and expands to all forest-damaging insects and associated diseases. The Senate bill precludes categorical exclusions using similar methods from being carried out adjacent to one another and subjects them to the extraordinary circumstances procedures. (Section 404)

The Conference substitute adopts the Senate provision. (Section 404)

(4) Relation to Other Laws; Authorization of Appropriations

The House bill provides that authorities of the Secretary under this title are in addition to other authorities of the Secretary under other laws, and authorizes such sums as may be necessary to be appropriated between fiscal year 2004 and 2008. (Sections 404, 405)

The Senate amendment contains comparable provisions with only technical differences. (Sections 405, 406)

The Conference substitute adopts the Senate provisions. (Sections 405, 406)

TITLE V – HEALTHY FORESTS RESERVE PROGRAM

(1) Establishment of Program

The House bill directs the Secretary of Agriculture to establish a program with the purpose of protecting, restoring, and enhancing forest ecosystems to promote the recovery of endangered species, improve biodiversity, and enhance carbon sequestration. (Section 501)

The Senate amendment has a comparable provision. (Section 501)

The Conference substitute adopts the Senate provision. (Sections 501)

(2) Eligibility and Enrollment of Lands in Program

The House bill specifies lands eligible for enrollment and lists eligibility and enrollment requirements for program participants, including enrollment priorities for land with threatened and endangered species. (Section 502 (a), (b), (c), (f))

The Senate amendment has comparable provisions with minor differences. (Section 502 (a), (b), (c), (d), (g))

The Conference substitute adopts the Senate provisions. (Section 502 (a), (b), (c), (d), (g))

(3) Maximum Enrollment; Methods of Enrollment

The House bill establishes a maximum enrollment of 1,000,000 acres, and authorizes acres to be enrolled through a permanent easement with buyback option, a 30-year easement, or a 10-year agreement for enrolled lands under this program. (Section 502 (d) and (e))

The Senate amendment establishes a maximum enrollment of 2,000,000 acres, and authorizes acres to be enrolled through agreements of not more than 99 years with no buyback option, 30-year agreements; or 10-year cost share agreements. (Section 502 (e) and (f))

The Conference substitute adopts the Senate provision with respect to maximum enrollment (502(e) and the House provision with an amendment with respect to methods of enrollment to allow for 10-year cost share agreements, and 30-year and up to 99-year easements. (Section 502(f))

(4) Conservation Plans

The House bill requires lands enrolled shall be subject to a conservation plan developed by USDA and the US Fish and Wildlife Service; requires a description of the permissible land-use activities; authorizes applicable State agencies and nonprofit conservation organizations to provide technical or financial assistance in development of the plans; and requires that the plan maximize the environmental benefits per dollar expended. (Section 503)

The Senate amendment has comparable provisions. (Sections 502(g)(2), 503, 507)

The Conference substitute adopts the Senate provision. (Sections 502(g)(2), 503, 507)

(5) Financial Assistance

The House bill specifies maximum amounts of financial assistance for each method of enrollment of acres into the Healthy Forest Reserve. (Section 504)

The Senate amendment contains similar language (Section 504).

The Conference substitute adopts the Senate provision with an amendment reflecting the changes made in the methods of enrollment. (Section 504)

(6) Technical Assistance

The House bill directs the Forest Service and U.S. Fish and Wildlife service to provide participants with technical assistance. (Section 505)

The Senate amendment has a comparable provision and also adds that the Secretary may enter into cooperative agreements with third parties certified as technical service providers. (Section 505)

The Conference substitute adopts the Senate provision. (Section 505)

(7) Safe Harbor

The House bill instructs the Secretary of Interior to provide safe harbor to landowners who enroll land in this program when enrollment results in a net conservation benefit for listed species. (Section 506)

The Senate amendment has a comparable provision and also provides that the cost of any additional measures taken besides those covered in the restoration plan will be considered part of the restoration plan for financial purposes. (Section 506)

The Conference substitute adopts the Senate provision. (Section 506)

(8) Authorization of Appropriations

The House bill authorizes to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008. (Section 507)

The Senate amendment authorizes to be appropriated \$25,000,000 for fiscal year 2004 and such sums necessary for each of the fiscal years 2005-2008. (Section 508)

The Conference substitute adopts the Senate provision. (Section 508)

TITLE VI – MISCELLANEOUS PROVISIONS

(1) Inventory and Monitoring Program

The House bill instructs the Secretary of Agriculture to carry out a program to monitor forest stands on National Forest System lands and private lands; lists issues to be addressed; establishes an early warning system; and authorizes \$5,000,000 for each of the fiscal years 2004 through 2008 for such activities. (Section 601)

The Senate amendment has a comparable provision that also lists specific means and offices for carrying out the program, and authorizes such sums as are necessary to carry out this section without fiscal year limitation. (Section 1101)

The Conference substitute adopts the House provision. (Title VI)

The managers expect the Secretary to consult and collaborate with the National Aeronautics and Space Administration, Stennis Space Center in carrying out this title.

(2) Public Land Corps

The Senate amendment creates a public land corps to carry out rehabilitation projects enlisting the help of disadvantaged young people. The amendment authorizes to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008. (Title VI)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(3) Rural Community Forestry Enterprise Program

The Senate amendment establishes a program to assist in the economic revitalization of rural forest research-dependent communities. The amendment authorizes to be appropriated \$15,000,000 for each of the fiscal years 2004 through 2008. (Title VII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(4) Firefighters Medical Monitoring Act

The Senate amendment provides that the National Institute for Occupational Safety and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government. The amendment authorizes to be appropriated such sums as may be necessary in each of the fiscal years 2004 through 2008 to carry out this title. (Title VIII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(5) Disaster Air Quality Monitoring Act

The Senate amendment instructs the Environmental Protection Agency to provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in disaster areas and publish the findings. The amendment authorizes to be appropriated \$8,000,000 to carry out this title. (Title IX)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(6) Highlands Region Conservation

The Senate amendment recognizes the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States. The amendment authorizes the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region, and continues the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region. (Title X)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(7) Emergency Treatment and Reduction of Nonnative Invasive Plants

The Senate amendment establishes a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat, including work to eradicate Salt Cedar and Russian Olive trees and other brush along the Bosque lands on the Rio Grande River in the State of New Mexico. (Section 1102)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(8) USDA National Agroforestry Center

The Senate amendment amends section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 to establish a National Agroforestry Center. (Section 1103)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(9) Upland Hardwoods Research Center

The Senate amendment directs the Secretary to establish an upland hardwood research center. (Section 1104)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(10) Emergency Fuel Reduction Grants

The Senate amendment instructs the Secretary of Agriculture to establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service. (Section 1105)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(11) Eastern Nevada Landscape Coalition

The Senate amendment authorizes the Secretary of Agriculture and the Secretary of the Interior to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes. (Section 1106)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(12) Sense of Congress Regarding Enhanced Community Fire Protection

The Senate amendment states that it is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm

Security and Rural Investment Act of 2002 (Public Law 107 09171; 116 Stat. 473)). (Section 1107)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(13) Best-Value Contracting

The Senate amendment allows the Secretaries to use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes the ability of the contractor to meet the ecological goals of the projects; the use of equipment that will minimize or eliminate impacts on soils; and benefits to local communities such as ensuring that the byproducts are processed locally. (Section 1109)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(14) Suburban and Community Forestry and Open Space Program; Forest Legacy Program

The Senate amendment establishes within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Program' (Section 1110)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(15) Wildland Firefighter Safety

The Senate amendment directs the Secretaries to ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards management direction established by the National Wildfire Coordinating Group. (Section 1111)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(16) Green Mountain National Forest Boundary Adjustment

The Senate amendment states the boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II", each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. (Section 1112)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(17) Puerto Rico Karst Conservation

The Senate amendment authorizes and supports conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and promotes cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts. (Section 1113)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(18) Effective Date of Section 10806 of Farm Security and Rural Investment Act

The Senate amendment states Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act. (Section 1114)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(19) Enforcement of Animal Fighting Prohibitions Under the Animal Welfare Act

The Senate amendment amends Section 26 of the Animal Welfare Act. (Section 1115)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

(20) Changes in Fines for Violation of Public Land Regulations During a Fire Ban

The Senate amendment contains provisions to modify the penalties for violations of fire bans. (Section 1116)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.